

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
) No. 08 CR 888
v.) Hon. James. B. Zagel
)
ROD BLAGOJEVICH,et al.) UNDER SEAL

**GOVERNMENT'S STATUS REPORT
REGARDING EXTRAJUDICIAL COMMENTS**

The United States of America, by and through PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits this status report regarding extrajudicial comments made by defendant Rod Blagojevich since the status hearing held on April 18, 2011. This report is being filed under seal in an effort to minimize further publicity that could influence potential jurors. The government will not object to unsealing this filing at a later time.

On April 18, 2011, this Court held a status hearing during which a number of pending motions were argued and resolved. During the hearing, the government raised with the Court the issue of extrajudicial statements being made by the defendant in the days immediately preceding the retrial of this case. The statements criticized by the government included statements made in a press conference held on April 13, 2011, and in subsequent appearances on WGN Morning News and Fox News. See <http://www.youtube.com/watch?v=F3F-xU-snXg&feature=share>; <http://www.wgntv.com/news/wgntv-blago-on-wgntv-morning-show-apr18,0,7419753>. story; <http://www.myfoxchicago.com/dpp/news/chicago-former-governor-rod-blagojevich->

goes-on-trial-again-wednesday-20110416. The government advised the Court that it was not making a request for specific relief based on the defendant's statements at that time.

The Court expressed concern regarding the statements described by the government. The Court indicated that it would find it distressing to learn that the defendant was making public statements he knew to be untrue, or that there were deliberate efforts made to subvert the jury. Specifically, the Court expressed concern about the prospect of defendant making public statements about the legal process that the defendant knew not to be the case because of what the Court had previously told him. The Court stated that it would be wise for defendant to restrain himself, and instructed the defense to consider his comments a red flag.

The government believes that the Court should be aware of extrajudicial statements made following the April 18, 2011 hearing. Specifically, on April 19, 2011, defendant appeared on the WLS-890 AM "Don Wade and Roma Show" and repeated comments made in earlier public statements concerning purported abuse of the legal process, and accused prosecutors of, among other things, being the ones who are blocking the playing of all the tapes.

For the sake of convenience, the government is providing the Court and the defense with an audio recording of defendant's April 19, 2011 public statements together with a hard copy of this report.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

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was served on April 19, 2011, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted,
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